

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-8 are currently pending. Claims 1, 2, 7, and 8 are hereby amended. Support for this amendment is provided throughout the Specification, specifically at page 15 of the Specification as originally filed.

No new matter has been introduced. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

The Abstract is amended.

II. OBJECTIONS

Claims 2 and 8 are objected to as being dependent on a rejected base claim, but is allowable.

Claims 2 and 8 are amended, incorporating all the limitations of the base claims and, therefore, obviating the objections.

III. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1 and 3-8 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,857,058 to Iwamoto et al. (hereinafter, merely “Iwamoto”).

IV. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“...wherein the pack unit generating means adds, to the main sector, a header data indicating types of auxiliary data that are added to the main sector.” (emphasis added)

Applicants submit that Iwamoto fails to disclose or suggest the above-identified features of claim 1. Specifically, nothing in Iwamoto discloses or teaches “wherein the pack unit generating means adds, to the main sector, a header data indicating types of auxiliary data that are added to the main sector”, as recited in claim 1.

Iwamoto does not have a header data before the video data or the audio data. The SYNC and ID data do not indicate types of auxiliary information. (see Figure 3 and column 5, line 35 – column 7, line 15 of Iwamoto).

Therefore, Applicants submit that claim 1 is patentable.

For similar or somewhat similar reasons discussed above regarding claim 1, claim 7 is also patentable.

V. DEPENDENT CLAIMS

The other claims are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the above-identified reasons. Since each dependent claim is also deemed to define an additional aspect of the invention,

however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

CONCLUSION

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 

Thomas F. Presson
Reg. No. 41,442
(212) 588-0800